

### Level 3 Advanced Enforcement Indicative content

*Whilst not exhaustive this document provides an illustration of topics and themes in this unit.*

**NOTE:** *When completing CICM assignment units it is not intended that learners include **ALL** the suggested areas below, rather, they are intended as guidance on the type of content you may study and include.*

*CICM assignments require a high level of personal application. Therefore, when completing them careful consideration needs to be given to the relevance within your organisation, industry and your specific role.*

1.1	<ul style="list-style-type: none"> <li>• Key developments of enforcement profession.</li> <li>• Importance of enforcement sector.</li> <li>• Structure of enforcement sector.</li> <li>• Powers of enforcement agent and where they derive, including:             <ul style="list-style-type: none"> <li>• Processes leading to the enforcement of areas subject to the Taking Control of Goods procedure for relevant debt streams, e.g.                 <ul style="list-style-type: none"> <li>– High Court Writ of Control</li> <li>– County Court Warrant of Control</li> <li>– Council Tax</li> <li>– Non-Domestic Rates</li> <li>– Parking Fine</li> <li>– Commercial Rent Arrears</li> <li>– Magistrates Fine</li> </ul> </li> <li>• Rights and powers of entry in a range of circumstances.</li> <li>• Role of police.</li> <li>• Obligations of the debtor during the taking control of goods procedure.</li> <li>• Fee structure and importance of correct payment handling.</li> </ul> </li> </ul>
1.2	<p>Obligations of enforcement agents, where relevant, including:</p> <ul style="list-style-type: none"> <li>• Training and certification process - Form EAC1</li> <li>• Taking Control of Goods: National Standards 2014</li> <li>• Information and confidentiality.</li> <li>• Following correct procedures, including identification, documentation supplied and form completion.</li> <li>• When and where taking control of goods can be conducted.</li> <li>• Restrictions where a child or vulnerable person is involved.</li> <li>• Avoidance of action likely to result in a breach of the peace.</li> <li>• Handling of relevant goods found on a highway, e.g., hazardous materials or livestock.</li> <li>• Duty of care when removing and selling controlled goods, e.g., getting the best price and managing any claims appropriately.</li> </ul>
1.3	<p>Main risks associated with enforcement, for example:</p> <ul style="list-style-type: none"> <li>• Correct inputting of data.</li> <li>• Expiry dates of notice of enforcement.</li> <li>• Attendance at correct address.</li> <li>• Health and Safety/Risk Assessments.</li> <li>• Identification of a child or vulnerable person.</li> <li>• Following process in Tribunals, Courts and Enforcement Act for each specific debt type.</li> </ul>

	<ul style="list-style-type: none"> <li>• Correct charging of fees.</li> </ul>
2.1	<p><b>Impact of legal, regulatory and industry frameworks on enforcement</b></p> <p><b>Legal and regulatory frameworks relevant to enforcement agents, including</b></p> <ul style="list-style-type: none"> <li>• Powers and obligations conferred by the Tribunals, Courts and Enforcement Act 2007 and associated regulations, including Commercial Rent Arrears Recoveries (CRAR).</li> <li>• Relevant aspects of Human Rights legislation.</li> <li>• Data protection obligations, General Data Protection Regulations GDPR.</li> <li>• <b>Other relevant legal frameworks</b>, e.g., Insolvency rules and Civil Procedure Rules 1998 Parts 55, 70, 83, 84, &amp; 85</li> <li>• <b>Other relevant regulatory frameworks</b>, e.g., Treating Customers Fairly and Financial Conduct Authority rules</li> </ul> <p><b>Industry frameworks</b></p> <ul style="list-style-type: none"> <li>• Enforcement Agents National Standards</li> <li>• Other relevant industry frameworks, e.g. <ul style="list-style-type: none"> <li>– CICM Vulnerability Framework</li> <li>– HCEOA Best Practice &amp; Best Practice on Fees</li> <li>– CIVEA Code of Conduct &amp; Good Practice Guide</li> <li>– CEAA Purpose &amp; Mission Statements</li> </ul> </li> </ul> <p><b>Impact of legal, regulatory and industry frameworks on enforcement:</b></p> <ul style="list-style-type: none"> <li>• Implications of non-compliance.</li> <li>• Increased expectations to identify fraudulent activity, whistle-blowing</li> <li>• Changed client expectations about how enforcement work is carried out with increased focus on: <ul style="list-style-type: none"> <li>– customer care and increased monitoring of customer experience</li> <li>– debt prevention – responsible lending, involvement in identifying early warning signals for client, building awareness of affordability schemes, smart meters, making bills more affordable, energy efficiency schemes.</li> </ul> </li> <li>• Clients and enforcement organisations differentiating on the quality customer care, including: <ul style="list-style-type: none"> <li>– Service Level Agreements (SLAs)/targets for completion of key activities</li> <li>– Focus on individual customer circumstances, positive outcomes for all customers, tailored customer solutions, identification and support for people in vulnerable circumstances.</li> </ul> </li> </ul>
2.2	<p>Prescribed forms as listed in Taking Control of Goods Practice Direction 84: CPR Part 84PD.3—2.1 Rule 84.18</p> <ul style="list-style-type: none"> <li>• Notice of Enforcement (Reg 7)</li> <li>• Controlled Goods Agreement (Reg 15)</li> <li>• Warning of Immobilisation (Reg 16(3))</li> <li>• The Inventory</li> </ul> <p><b>Removal and Sale of Goods forms:</b></p> <ul style="list-style-type: none"> <li>• Notice of Intention</li> <li>• Notice of Sale</li> <li>• Notice that goods have been removed for storage or sale</li> <li>• Itemised statement of goods sold and details of sale proceeds</li> </ul>
2.3	<ul style="list-style-type: none"> <li>• Key risks of non-compliance associated with form completion, e.g., incorrect form used, illegibility, missing, inaccurate or incomplete information.</li> <li>• Process invalidated if non-compliant.</li> </ul>
2.4	<p>Relative merits of the four ways of Taking Control of Goods:</p>

	<ul style="list-style-type: none"> <li>• Secure goods on premises where found.</li> <li>• Secure on highway where found or within a reasonable distance.</li> <li>• Remove and secure elsewhere.</li> <li>• Enter into a controlled goods agreement with debtor.</li> </ul>
3.1	<p>Customer care during enforcement work towards clients, debtor or any other third party, including:</p> <ul style="list-style-type: none"> <li>• For client: clear case reports, prompt and regular payment of funds, access to information by web or telephone.</li> <li>• For debtor: clear guidance, answers to queries, clearly completed form and notices.</li> <li>• Following National Standards regarding professionalism and conduct.</li> <li>• Written complaints procedure.</li> <li>• Confidentiality.</li> <li>• Time and hours of attendance.</li> <li>• Care of people who might be vulnerable, including children.</li> </ul>
3.2	Negotiation and influencing techniques, including assertiveness, win: win.
3.3	<p>Identification and communication with customers in vulnerable circumstances, including</p> <ul style="list-style-type: none"> <li>• Triggers – behaviours and what is said during enforcement or call with a judgment debtor to indicate potential vulnerability.</li> <li>• Use of conversation tools: TEXAS, BLAKE, IDEA, SPIDER, BRUCE.</li> <li>• Actions to take in situations where vulnerable people are involved.</li> </ul>
3.4	<p>Arrangements to support customers in vulnerable circumstances, including</p> <ul style="list-style-type: none"> <li>• Any safeguarding policies.</li> <li>• Support options, departments/external agencies providing debt advice.</li> <li>• Self-disclosure about needs.</li> <li>• Consent arrangements.</li> <li>• Protocols for handling enquiries from third parties.</li> <li>• Appropriate communication methods.</li> </ul>
3.5	<p>How to handle verbal abuse or aggressive behaviour, including</p> <ul style="list-style-type: none"> <li>• How to recognise and assess conflict situations, duty of care of employer and employee, risk assessment.</li> <li>• How to handle verbal abuse and aggressive behavior, including triggers; body language; attitudes and behaviours; communication; avoiding conflict; understanding signs of aggression.</li> <li>• How to defuse and resolve conflict situations.</li> <li>• How to reduce risks associated with potential conflict situations, including exit strategies.</li> </ul>
4.1	Handling complex and difficult cases, e.g., ownership and/or exemption disputes, including time management; case reports, guidance to debtor and accurate form completion.
4.2	<ul style="list-style-type: none"> <li>• Enforcement agent’s obligations for dealing with real and potential complaints.</li> <li>• Complaint handing – where complaints can be escalated.</li> <li>• Report writing.</li> </ul>
5.1	Reflective consideration of personal skills and abilities in collections work; keeping up to date with relevant changes to approach; supporting others in their development through mentoring/coaching.

5.2	<ul style="list-style-type: none"> <li>• Performance results based on financial and qualitative targets, e.g., prompt and regular payments of funds received, prescribed form accuracy, clear case reports, identification and correct handling of cases involving vulnerable customers.</li> <li>• Improved skills and abilities.</li> <li>• Change in approach, attitude, confidence.</li> <li>• Reasons for change.</li> </ul>
5.3	<p>Reflective consideration of gaps in personal skills and abilities in enforcement work; seeking feedback and acting on it to improve performance; building capability through ownership of own development; identifying opportunities to improve work practices using SMART goals.</p>